

LEGISLATURE OF NEBRASKA
NINETY-NINTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 244

Introduced by Byars, 30

Read first time January 10, 2005

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to occupational therapy; to amend section
2 71-6123, Revised Statutes Supplement, 2004; to provide an
3 operative date for certain provisions; to harmonize
4 provisions; to repeal the original section; and to
5 declare an emergency.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 71-6123, Revised Statutes Supplement,
2 2004, is amended to read:

3 71-6123. (1) The department, with the approval of the
4 board, shall adopt and promulgate rules and regulations necessary
5 to administer the Occupational Therapy Practice Act to protect the
6 public health, safety, and welfare and to insure, to the greatest
7 extent possible, the efficient, adequate, and safe practice of
8 occupational therapy.

9 (2) The rules and regulations shall include (a)
10 definitions of unprofessional conduct, (b) definitions of conflicts
11 of interest for members of the board and procedures in the case
12 such a conflict arises, (c) role delineation for occupational
13 therapy assistants, and (d) continuing competency requirements.
14 Continuing education is sufficient to meet continuing competency
15 requirements. Such requirements may also include, but not be
16 limited to, one or more of the continuing competency activities
17 listed in section 71-161.09 which a licensed person may select as
18 an alternative to continuing education.

19 (3) Except as provided in subsection (4) of this section,
20 the department, with the approval of the board, shall adopt and
21 promulgate rules and regulations to implement Laws 2004, LB 1005,
22 and shall provide for the changes regarding scope of practice to be
23 implemented for licensees as soon as the rules and regulations
24 become effective.

25 (4) The board may adopt and promulgate rules and
26 regulations governing the training courses for an occupational
27 therapist to be certified to administer a physical agent modality.
28 The board may adopt and promulgate rules and regulations governing

1 the training course for an occupational therapy assistant to be
2 certified to set up and implement superficial thermal agent
3 modalities. In adopting such rules and regulations, the board
4 shall give consideration to the levels of training and experience
5 which are required, in the opinion of the board, to protect the
6 public health, safety, and welfare and to insure, to the greatest
7 extent possible, the efficient, adequate, and safe practice of
8 occupational therapy. Such rules and regulations shall include the
9 approval of examinations and the passing score for such
10 examinations for certification. Any person who was practicing as
11 (a) an occupational therapist and administering physical agent
12 modalities or (b) an occupational therapy assistant setting up and
13 implementing superficial thermal agent modalities prior to July 16,
14 2004, may continue to administer such modalities until July 1,
15 2006. After July 1, 2006, any person who wishes to administer such
16 modalities shall obtain certification as provided by section
17 71-6122.

18 (5) Rules and regulations adopted and promulgated
19 pursuant to the Occupational Therapy Practice Act prior to July 16,
20 2004, shall continue in effect until revised, amended, repealed, or
21 nullified pursuant to law.

22 Sec. 2. Original section 71-6123, Revised Statutes
23 Supplement, 2004, is repealed.

24 Sec. 3. Since an emergency exists, this act takes effect
25 when passed and approved according to law.